

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEBRASKA

WILLIAM RUSSELL BARGER,	)	4:04CV3268
	)	
Plaintiff,	)	
	)	
vs.	)	<b>JUDGMENT</b>
	)	
MIKE JOHANNNS, in his capacity as	)	
Secretary of the United States	)	
Department of Agriculture,	)	
	)	
Defendant.	)	

Pursuant to the court's Memorandum and Order entered this date, the NAD's determination in USDA Case No. 2002W000315, In the matter of William Russell Barger and Farm Service Agency, entered on May 29, 2002, is reversed and the matter is remanded to Defendant for further proceedings consistent with the aforesaid Memorandum and Order. Specifically, but without limitation, on remand Defendant shall make findings of fact and conclusions of law thoroughly explaining proper "commensurate share" calculations for crop year 1999 of: (1) Plaintiff's required equipment contribution, with appropriate references to the 1998 or 2000 Nebraska Farm Guide, as applicable, or other relevant sources; (2) Plaintiff's required labor contribution, also with appropriate source references; (3) Plaintiff's provided equipment contribution, including a discussion of the corn stalks and wheat sale proceeds that Black Hawk allegedly received; and (4) Plaintiff's provided labor contribution.

March 13, 2006.

BY THE COURT:

*s/ Richard G. Kopf*  
United States District Judge